IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.1049 OF 2005

Navnit M. Shah .. Petitioner

Versus

Parabhdas Bulchand Jhangiani).. Respondent

Mr.H.K.Vazirani for the Petitioner.

Mr.C.P.Deogirikar for the Respondent.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 8TH AUGUST 2005

P.C.:

. This Petition challenges concurrent findings of fact of the trial Court and the Appellate Court decreeing the Suit in exercise of Section 13(1)(g) of the Bombay Rent Act. Both the trial Court and the Appellate Court have found that the landlord has proved that he requires the suit premises bona fide and reasonably. Both the Courts below have found that greater hardship would be caused to the Respondent-Plaintiff if the Suit is not decreed. In these circumstances, I do not see any reason to interfere with the concurrent findings of fact of both the Courts below.

2. A submission is made by the learned Advocate for the Petitioner that the trial Court has allowed the

amendments to the Plaint although they were barred by limitation. The Plaint as filed contains a pleading in paragraph 13(d) a ground that the suit premises are reasonably and bona fide required by the Plaintiff i.e. the Respondent herein for being occupied by himself and his family members. By the amendment, which was granted, the additional paragraphs have been incorporated in the Plaint. These paragraphs detail the reasons why the suit premises are required. An additional Written Statement has also been filed and, therefore, the grievance made today that such an amendment ought not to have been granted is without any basis. The judgment relied on in the case of *Vishwambhar and others* vs. *Laxminarayan*, **(2001) 6 SCC 163**, does not take the case of the Petitioner any further since the ground of bona fide requirement has already been made out in the original Plaint and by way of amendment this ground was pleaded in greater detail. Hence, Petition rejected.

3. On the request of the learned Advocate for the Petitioner, operation of the order is stayed for a period of four weeks from today.